

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MANUEL RAUL REYES-PENA,
No. 09794-000,**

Petitioner,

vs.

Case No. 13-cv-00761-DRH

**HON. CHAIRMAN,
ELECTORAL COMMISSION,**

Respondent.

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

I. Introduction and Background

Petitioner Reyes-Pena is a federal inmate currently incarcerated in the Federal Correctional Institution at Terre Haute, Indiana. This case is now before the Court for a preliminary review of the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in United States District Courts.

Rule 4 provides that upon preliminary consideration by the district court judge, “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.” Rule 1(b) of those Rules gives this Court the authority to apply the rules to other habeas corpus cases.

After carefully reviewing the petition in the present case, the Court concludes that petitioner is not entitled to relief and the petition must be

dismissed. Not only is the petition plagued by procedural errors, it is patently frivolous and nonsensical.

Petitioner filed this habeas corpus action in the Southern District of Illinois, although the caption of the petition references the Central District of Illinois (Doc. 1). The petition is not signed. Petitioner has not paid the \$5.00 filing fee, nor has he moved to proceed *in forma pauperis*. All of those procedural issues could be easily cured, but the substance of the petition is fatally flawed.

Petitioner names the honorary chairman of the Election Commission as the respondent. Although the petition is generally nonsensical, petitioner vaguely challenges the constitutionality of the Electoral College and the elections of the President, Vice President, and Congress. In addition, petitioner takes issue with the military, the operation of the federal government, the closing of the border, and land grants; he also mentions jailing King Arthur. This habeas action is clearly frivolous and, regardless of procedural niceties, it does not survive review under Rule 4.

IT IS THEREFORE ORDERED that the petition for habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. 1) is summarily **DISMISSED** with prejudice.

IT IS SO ORDERED.

Signed this 19th day of August, 2013.


Digitally signed by
David R. Herndon
Date: 2013.08.19
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Chief Judge
United States District Court